

Remarks

Reconsideration of this application is respectfully requested. Claims 1-30 are presently in this application. Claims 8, 11-13 and 22 were rejected as indefinite. In particular, claims 8 and 22 were rejected on the grounds that the composition GRH40 is a trademark manufactured and sold by Lambent Technologies. GRH-40 is an acronym for GlycerylRicinoleateHydrogenated-polyoxylethylene-40 ester. In the same vein, PEG means PolyEthylene Glycol, DNB means DiNitroBenzene, and TCE means TriChloroEthylene. Claims 8 and 22 have been amended to provide a hyphen between GRY and 40, i.e., GRH-40 to be consistent with the specification and industry use. GRH-40 identifies a particular product and is not used in a trademark sense. The product is sold under the trademark Lumulse. It is believed that the use of GRH-40 to identify a specific product is in compliance with 35 USC § 112, ¶2. Claims 8 and 22 are allowable.

Claims 11-13 were rejected as reciting formulations described in certain of applicant's prior patents the contents of which were incorporated by reference. These claims have been amended to spell out in broad terms the compositions described in such patents and are now in compliance with the statute.

Claims 1, 10-13, 15 and 25 were rejected as anticipated by applicant's U.S. Patent No. 4,983,415 ("415 patent") on the grounds that a surfactant, i.e, Dowfax 2A-1, is disclosed as one of the ingredients of the disclosed fingerprinting compositions. Dowfax 2A-1 is an anionic surfactant (having an electra negative charge) as contrasted with a nonionic surfactant (no charge). The anionic surfactant is used in the '415 composition to reduce the surface tension of the inkless reagents so that they will instantly penetrate the paper matrix and to render the fingerprints non-smearing and to wet

out the fingerprint ridges so that the impression will be clear instead of spotty. It is not believe that anionic (and cationic) surfactants are primarily used with aqueous or polar solvents ad not in oil based compositions.

The nonionic surfactant component of the present invention is used for a different purpose, i.e., to allow the composition to be readily removed from the object, such as a person's finger, (after the print has been taken), through the use of water. The claims at issue not only specify a nonionic surfactant, but a sufficient amount of the surfactant to allow the composition to be readily removed from the object through the use of water after the surface characteristics thereon have been recorded.

There is no teaching in the '415 patent of the inclusion of a nonionic surfactant in the disclosed fingerprint composition nor that such a surfactant, when added to the compound in a sufficient amount, would render the fingerprint composition substantially soluble in water so that the composition could be readily removed from the object through the use of water. For example, applicant has found that a dish-washing detergent (anionic surfactant) failed to readily remove a pigmented fingerprint ink containing a HW-5400 base from the object even using a cloth and water.

Claims 1, 10-13, 15 and 25 are neither anticipated by the '415 patent nor rendered obvious by the teachings of that patent. These claims are now believed to be patentable.

Claims 2-9, 14, 16-24 and 26-30 which were indicated to be allowable if rewritten to include the limitations of the base intervening claims now depend from allowable claims and are therefor also allowable.

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This application is now believed to be in condition for allowance and such action is courteously solicited. If applicants' attorney can be of any further assistance, please call the undersigned at the number provided.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 19, 2004.


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